

THE POLITY OF THE SCOTTISH CHURCH 1600—1637

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THE year 1597 marks the real beginning of James VI's active policy of reaction from Melvillian Presbyterianism, which had been established by Act of Parliament in 1592. It is interesting to note the steps by which the King, using diplomacy, pressure, threats, detention and probably bribery, re-established Episcopacy in the Scottish Church. If we cannot admire his methods, we cannot but be impressed by his patient determination and by his success.

Before the General Assembly meeting at Dundee in 1597 the King had posed fifty five questions, and the Assembly agreed to appoint a commission consisting of a certain number of ministers to consult with the King on some matters ecclesiastical. This commission petitioned the Meeting of Estates in December 1597 to restore the spiritual estate,¹ by allowing ministers whom the King should appoint to vacant bishoprics and abbacies etc., to vote in parliament, it being agreed that all bishoprics should be given only to ministers as they became vacant. The General Assembly of 1598 agreed by a small majority to this proposal, and that the total number should be about fifty one chosen partly by the King and partly by the Kirk. Blackburn,² Lindsay of Leith, and Gladstones of St. Andrews, sat as Bishops of Aberdeen, Ross and Caithness respectively in the Parliament of 1600, although they continued as ministers of their parishes. The King, however, was still advancing his purposes through the Ecclesiastical Commission.

The next step was to take advantage of a loophole in the 1592 Act. The time and place of the next meeting of an Assembly was to be appointed by the King or his Commissioner or, provided neither should be present, by the Assembly itself. Hitherto the Assembly had met annually. Now the King began to use his power to control meetings of Assemblies to suit himself. In 1601 the Assembly fixed for July in St. Andrews was called for Burntisland in May. The Assembly appointed for Aberdeen in July 1604 was prorogued to July 1605,³ then prorogued again indefinitely. To preserve the rights of Assembly certain ministers met at Aberdeen

¹ Cf. Calderwood *History of the Kirk of Scotland*, vi, pp. 21, 121, etc.

² *Ibid.*, vi, p. 18.

³ *Ibid.*, vi, p. 113.

and the King used the occasion to break opposition to his policy by warding and banishment. Andrew Melville in 1606 was removed from the scene by a summons to London, imprisonment and permitted retiral to Sedan.

James now had to find a process by which the ministers of the Church, whom he was appointing to bishoprics as they became available, might have real episcopal power and status. At the Holyrood Assembly of 1602, two of the bishops had been appointed commissioners for visitation in their own areas,¹ and all of them so far appointed had considerable influence in modification of stipend. In 1606 at Linlithgow, a Convention of laymen and ministers, nominated by the Crown, agreed that *constant moderators* should be appointed for the presbyteries—ostensibly to work with the Council against popery. Bishops were to preside in presbyteries within whose bounds they lived, and were to be constant moderators of synods. It was believed, probably rightly, that the minutes were altered at Court to make constant moderatorship apply to synods, but, in any case, this led the way easily to diocesan episcopacy. There was great opposition in the synods, put down by royal pressure through Royal Commissioners, and stipend interference.²

Many of the commissioners had now become bishops and all the bishops were commissioners. After the next Assembly at Linlithgow in 1608 they were enough to form a quorum alone. In 1606 an act of Parliament restored the *Estate of Bishops* and the Act of Annexation of 1587 was annulled with regard to *episcopal revenues*.³ In June 1609 the bishops were restored by act of parliament to jurisdiction in *testamentary, matrimonial* and all spiritual causes. They were also to give lists of excommunicated persons in the diocese to the treasurer and director of the Chancellory.⁴ The situation was now roughly as in 1572. In February 1610 two *Courts of High Commission* were established under the Great Seal, one in each archbishopric. They were on the English model and from them there was no appeal.⁵ This was arbitrary action. Matters ecclesiastical were handed over to a court possessing only civil sanction. The reason for the High Commission may have been that the lords disliked having to put the King's orders into effect at the instigation of the bishops.⁶

¹ *B. U. K.*, iii, p. 983.

² *Original Letters relating to the Ecclesiastical Affairs of Scotland*, vol. i, pp. 105, 375.

³ Calderwood, *History*, vi, p. 481. *Acts of Parliament of Scotland*, vol. iv, p. 281.

⁴ Hume Brown, *History*, vol. ii, p. 195.

⁵ *Christian Unity Association Papers*—Cooper—p. 61.

⁶ *Original Letters*, p. xxvii.

The General Assembly which met at Glasgow in 1610 was in no sense free. It was packed in the sense that great care was taken that a considerable number of the commissioners came from the north and that the others were carefully selected ; and it was bribed although Spottiswoode pleaded that the money distributed was the delayed payment promised to constant moderators in 1606.¹ The offices of commissioner and bishop were merged and the principal new decisions were as follows :

1. The calling of General Assemblies belongs to the King.
2. Synods are to meet twice a year in April and October and where the diocese is large two or three Synods may exist.
3. No sentence of excommunication or of absolution is to be made without approval of the Bishop and is then to be made at the direction of the Bishop by the minister.
4. All presentations are to be made to the Bishop and " upon any presentation given or otherways suit made to any to be admitted to the Ministry, the Bishop is to require the Ministers of those bounds where he is to serve, to certify by their testificate unto him of the party suitor his past conversation and ability and qualification for the function : and upon the return of their certificate the Bishop is to take further trial : and finding him qualified and being assisted by such of the Ministry of the bounds where he is to serve, as he will assume to himself, he is then to perfect the whole act of Ordination."
5. " In deposition of Ministers the Bishop associating to himself the Ministers of these bounds," is to take trial and upon just cause found is to deprive.
6. Ministers on admission are to swear obedience to the King and their Ordinary in the form used in 1571-72.
7. The visitation of the diocese is to be done by the Bishop himself or a worthy man appointed by him, also Ministers absenting themselves from Synods are to be suspended and if they amend not deprived.
8. The weekly exercise of doctrine is to continue and be moderated by the Bishop if he be present or by any other whom he shall appoint at the time of the Synod.
9. Bishops are to be subject to censures of the General Assembly and being found culpable, with his Majesty's advice and consent, are to be deprived.

¹ *R.P.C.*, viii, p. 844 ; *Original Letters*, i, pp. 237, 425 ; Spottiswoode, *History*, iii, p. 205.

10. Bishops on election must be over 40 and have taught in the Ministry for at least 10 years.¹

In October 1610 came *Consecration*. Spottiswoode of Glasgow and the Bishops of Brechin and Galloway were summoned to court in England and consecrated, without being episcopally re-ordained, by the Bishops of London, Ely, Rochester and Worcester, and returning to Scotland began to consecrate all the other Scottish bishops. There is nothing in the Assembly decisions of 1610 about consecration, probably because the Act of Parliament of 1606 restored the Estate of Bishops "as was the same in the reformed Kirk by the decision of the Convention at Leith confirmed by the General Assembly at Perth in 1572."² This provided that consecration should take place under authority of the Great Seal.

In 1612 Parliament confirmed the Acts of General Assembly of 1610 but several Assembly caveats were omitted.³ Episcopacy was established by the law of the land and the 1592 Act was repealed. Calderwood⁴ draws attention to the differences between General Assembly Acts of 1610 and Parliament Acts of 1612. They are significant.

1. There is no mention in 1612 of bishops being subject to General Assemblies. This would lose its point if, as seems to have been in James' mind, no more General Assemblies were to be held.
2. In 1612 power of collation⁵ is given in addition to admission and Ordination, and power to confer benefices *Jure devoluto*.
3. In 1612 there is no mention of the Bishop being required to have a certificate of trial from the ministers of the bounds before Ordination, nor of the Bishop requiring to associate ministers of the bounds with him in Ordination.
4. In 1612 there is no mention of the continuing of the weekly exercise of doctrine by ministers. It seems to have been intended that presbyteries would fall into dissuetude.

There was little trouble at this stage in the church as a whole. People were weary of ecclesiastical argument.⁶ After 1612 there was little change in the polity of the church until 1638. It should be noted that in December 1615 the two Courts of High Commission became one, a quorum consisting of five members including one of the archbishops. The emphasis in Royal policy from 1612 to 1637 was on the much more difficult task of moulding Scottish worship into a closer resemblance to Anglican forms.

¹ Calderwood, *History*, B. U. K.

² *Unity Papers*, p. 71.

³ *A.P.S.*, iv, pp. 469-70.

⁴ Calderwood, *History*, vii, p. 171.

⁵ "Collation" means "induction" here.

⁶ Cf. *Unity Papers*, pp. 78-9.

Let us now look at the courts of the Church and how they worked in this First Episcopal period.

GENERAL ASSEMBLIES.

The General Assemblies, from 1560, although not formally representative until the Melvillian legislation, were representative of the Church in Scotland. The Assembly was the instrument of an attempted "theocracy," and it continued so to be in essence until approximately 1600. From then on the King's insistence on his supremacy in all causes, ecclesiastical as well as civil, undermined its authority. It was no longer free of the Royal will. The battle between theocracy and the idea of the divine right of kings was won by the King for the time being. The very establishment of Presbyterianism by act of Parliament in 1592 gave James a lead which took him easily to the Act of 1612. He could also argue that *he* was the Godly Prince. It seems that James and the Melvillians, represented in writing in our period by Calderwood, Row and Scott, etc., are arguing from basically different premises. Where does authority in Church matters lie?—in free General Assembly or with the King and Parliament. James won the battle in his day not by argument but by power, and Episcopacy was the instrument of his continuing rule in the Church rather than of divine right. It should, of course, be said that unification of Church structure in his kingdoms was of importance to the King. In 1638 the battle went to the descendants of Melville. The 1638 Assembly, albeit packed rather than formally representative, *did* represent the popular opposition to Charles 1's policy. It annulled¹ the Acts of the Assemblies of 1606,² 1608, 1610, 1616, 1617, 1618, as unfree and unlawful, and gave specific reason for each annulment. It is to be noted, too, that *it*, not the Estates, disposed of episcopal government, in the face of Royal pressure.³

Calderwood and his like were loyal to their theocratic principles and logically fulminated against the six Assemblies. They were very ready—rather less logically—to glory in the Act of 1592, and to complain when the Act of 1612 was less favourable to their point of view than the General Assembly Act of 1610. But General Assemblies had no real place in the King's mind. In the Spottiswoode "Instructions" of 1610, it is true, we find this:

"When it shall be thought expedient to call a General Assembly, a supplication be put up to his Majesty for licence to convene and

¹ *B. U. K.*, iii, p. xlix.

² The Linlithgow Assembly was a Convention rather than a General Assembly.

³ Legislation, however, was re-enacted *de novo* in 1639.

that the said Assembly consist of Bishops, Deans, Archdeacons and such of the Ministry as shall be selected by the rest."¹

After 1610 we read of " The Bishops convening with certain of the Clergy " to decide matters affecting the whole Kirk. But in 1616 the King had new matters to raise and Spottiswoode seems to have advised that they could be dealt with by a General Assembly modelled on the Anglican Convocation.² For one thing, the counter-Reformation was in full swing³ and James used this and promises of stipend improvement at the Assembly called together in August 1616 at Aberdeen, to put the ministers in better frame of mind to accept new canons. The Assembly was to record for the universal Kirk the King's will and pleasure in his new liturgical policy. The Assembly was held in Aberdeen where Romanism was rife and where the King would be most likely to find support for his latest measures. The Archbishop of St. Andrews was Moderator by virtue of his office, despite protest: the bishops were present by right and the ministerial delegates were summoned by name. The agenda was contained in a Royal letter. The Assembly set about preparing a short catechism, a new form of divine service, a code of canons from the records of Assemblies and a new confession of faith.⁴

After this Assembly James wrote to the Archbishop expressing dissatisfaction with the Assembly's decision on the canons and ordered his new five articles to be inserted in the book of canons being prepared. The Archbishop was perturbed at their novelty and put the matter off until the King's visit in 1617. The King then persuaded the Lords of the Articles in the Estates to agree to an act " that whatsoever his Majesty should determine in the external government of the Church with the advice of the Archbishop, Bishops *and a competent number of the ministry* should have the strength of law." The last phrase was inserted on pressure from the bishops. There were many protests and the King withdrew the Act. The protest, drawn up by David Calderwood and the other ministers, resulted in their being taken before the High Commission, and Calderwood's colloquy with the King, as reported in his *History*, gives evidence of the increasingly hostile attitude of the Melvillians to the King's policy.

In July 1617 a Convention of Clergy discussed the Five Articles and decided that the matter should be referred to a General Assembly.⁵

¹ Spottiswoode, *History*, iii, p. 211.

² Snow, *The Times and Life of Patrick Forbes*, p. 51. ▪ *Ibid*, p. 54. R.P.C

⁴ *B. U. K.* This was a truly Calvinist document.

⁵ Spottiswoode, *History*, iii, p. 246.

James reluctantly agreed and an Assembly met in 1617 at St. Andrews on such short notice that it effected nothing¹ except that it angered the King by agreeing to two of his Articles, one with obstructing modifications.

On the bishops' advice another Assembly was called for August 1618 at Perth,² to approve the Five Articles. Spottiswoode was Moderator and had nominated the privy council of the Assembly. When it came to voting he insisted that the Five Articles be voted on in a block. Only two laymen voted against the Articles, but thirty nine of the eighty five ministers.

The Privy Council of Scotland enjoined obedience, but especially the injunction to kneel at Communion received a very mixed reception. In some places it was disregarded and in most deeply resented, but in 1633 in Moray Diocese³ the bread and wine were given by the minister to each communicant kneeling, and the north generally was more compliant. A conference of Bishops and Clergy was called by Spottiswoode at St. Andrews in November 1619 but achieved little.

In 1621 parliament enjoined obedience to the Articles, by 86 votes to 59—they being again taken in block.

The bishops at this time seem to have been restraining James;⁴ in any event they applied the law moderately and except in areas where episcopal ways were favoured, the Articles were quietly disregarded.⁵ When Charles I came to the throne the Act of Revocation made nobles and clergy think of other matters until the new more violent and less wise policy in matters of canons and liturgy gave rise to the events of 1637 and 1638.

SYNODS AND EPISCOPAL ADMINISTRATION.

The reformed synod began in the Council of the Superintendent. The act of Parliament of 1592 indicates that Provincial Assemblies were in being, meeting twice a year and were to continue: (1) to deal with weighty matters of import to the whole province, (2) to order or redress things done in presbyteries, (3) to depose or deprive and (4) generally to have power over presbyteries.⁶ No synod minutes are available until

¹ Spottiswoode, *History*, iii, p. 249. ² *Ibid.*, iii, p. 252.

³ *Selections from the Minutes of the Synods of Moray, 1622-1731*. Ed. W. Cramond, p. 37.

⁴ Snow, *Patrick Forbes*, p. 78.

⁵ *Selections from the Minutes of the Synod of Fife, 1611-87*. Ed. Kinloch, pp. 88, 92.

⁶ This was quoted from the *Second Book of Discipline, 1581*, which speaks of its being composed of "pastors, doctors and other elders of a province."

1611 and it is doubtful whether the "other elders" authorised to attend the synod in the *Second Book of Discipline* were lay elders elected by kirk sessions or presbyteries or whether any elder could attend. The first minute in the records of the Synod of Fife, diocese of St. Andrews, north of Forth, 2nd April, 1611, gives in the sederunt a list of "Commissioners present from the particular congregations"—12 Lairds, 4 Goodmen 13 Untitled, the Rector of St. Andrews University and the Provost of St. Andrews. Arbuthnot, Forfar, Cupar, Ebdie, Fordowne, Largo, Kilrennie and Inverkeithing send two, and the rest one. But this is the last reference to lay elders and we have to presume that they had no place in the Diocesan Assembly. In April 1612 the preamble to the minutes is as follows:—"The Synod of that part of the diocese of St. Andrews which lieth upon the North side of the Forth, Held in the Great School of St. Salvator's College within the said city, the 21st, 22nd and 23rd days of April in the Year of God 1612 by the Right Reverend Father in God George Archbishop of St. Andrews and the Brethren of the Ministry within the bounds above designed."

Things had changed greatly since the Synod of Clydesdale in 1607 instructed the Presbytery of Glasgow to "summon the Bishop of Glasgow when he comes home to this Country to compeir before them," and eight commissioners, in Blackfriars Church, to be accused of "non-residence and negligence in discharge of his duties in the ministry of the Kirk of Glasgow." The Fife minutes give evidence of very little "talking back," to the Bishop but that would be expected if one of the Bishop's Court acted as clerk. Calderwood gives the impression of considerable vigour in synod discussions.¹

After worship the first business was to deal with absentees, attendance being compulsory on pain of suspension for the first offence without a good excuse, and then deprivation. Then a business committee was appointed, called the privy conference, and a clerk chosen, and hours of meeting arranged. The business contained matters of excommunication, uniformity of discipline and general questions of discipline, stipend, glebe, building churches, disuniting parishes, forming new parishes, changing presbytery bounds, training for the ministry and the perennial matter of papistry, etc. Then followed the trial of the ministers, notice having been given at the gate that any having anything to lay to the charge of the ministers should appear. The ministers were removed, ten or so at a time, for trial, and matters to be dealt with in the visitation

¹ If the bishop could not preside for any reason, he might appoint a deputy, as when the Chantour of Moray acted at the Synod of Moray in Oct. 1635. (*Synod of Moray*, p. 10.)

of the kirk were noted. This trial may have gone out of use but we are told of Bishop Patrick Forbes that at synod meetings in Aberdeen "before any other business was taken up, he requested his Clergy if they knew anything wrong with *his* conduct to use all freedom with him, to warn him in private of secret errors, and if they were public to mention them openly."¹ The method in Moray was for the presbytery books to be inspected by commissioners, who reported.² A roll of "Expectants" was made up and the presbytery moderators named. In 1625 a roll of "Readers" is given. Then followed the adjournment.

The Fife minute book contains reports of *Episcopal Visitations* of Kirks in the Diocese during Gladstones' tenure of the Archbishopric, after which they cease and were probably reported in a special book not now extant.

In a visitation after worship, led by the Bishop, enquiry was first made as to the minister. Was he resident? How often did he preach? What was his text? Then elders come under review. Then, are there any papists, witches, non-communicants in the parish? What is the fabric like? Do the elders let the ministers know of sick cases? Is there a Bible? Have arrangements been made for a school? What are the burial arrangements? Is the Sabbath observed? What is the stipend and how made up? Is there a register of baptisms, marriages, deaths? Are the poor adequately provided for? When is Communion celebrated? There is often given a list of elders in the parish.

There is little evidence as to how thoroughly the bishops generally carried out their overseeing duty. It probably varied considerably. Calderwood says that the Bishop of Caithness, resident in Jedburgh, only went to his diocese to collect his revenues. Patrick Forbes, on the other hand, "in the summer had the custom of visiting all his Parish Churches and this without a train in attendance that his visits might in no degree prove burdensome to the Clergy or Gentry. His examination into the spiritual conditions of each Parish, the character and ministerial ability and fidelity of each incumbent was minute and honest."

There is some evidence that the bishops were hesitant to use their whole authority given by General Assembly and parliament. The King wrote to them urging them to exercise their powers. The wiser of them proceeded gently in personal relations, and as the polity of the Church had been confused with superintendents, tulchan bishops, visitors, commissioners, non-ministerial bishops in the last half century, they had little precedent for action and had to feel their way. A considerable

¹ Snow, *Patrick Forbes*, p. 109.

² *Synod of Moray*, p. 3.

body was hostile to the existing order and there was the added complication of having to work with corporate groups—synod and presbytery, divested of much power as these undoubtedly were.

At this point we should note an entry in the synod records of Fife under the heading "The provincial Synod of the *Prelates* of the Province of St. Andrews holden in the said city on the 24th day of April, 1612."¹ It is on the day following the last day of the meeting of Fife Synod and the business was chiefly concerned with George Gordon of Gight and other excommunicated papists, who were ordered to appear at the High Commission Court in Edinburgh in June. It looks as if Peter Blackburn of Aberdeen was hesitant himself to send men of substance like Gordon to the High Commission on his own initiative. But, in any case, such meetings of prelates under the Archbishop would be most likely.

In the Synod of Moray records of 25th October, 1626, we find "In respect of the weighty matters of the Kirk to be handled in the next meeting of Bishops, the Synod direct three Commissioners of the Ministry from this diocese, with the Bishop, viz., Mr. Gavin Dunbar, Mr. Wm. Cloggie and Mr. Robert Jameson, at the expense of the brethren."²

PRESBYTERIES

The Act of 1592 authorised the system of presbyteries, which had been gradually developing throughout the country in the preceding three or four years.

The presbytery had its basis in the "Exercise"—a meeting of local ministers for the study of doctrine, but also, perhaps, in the General Session overseeing a group of parishes round or in a principal town.³

Its moderator was elected by the presbytery until 1606 and held office from one synod to another. In 1606 constant moderators were appointed. In 1582 it was laid down that during the exercise of discipline the number of members not pastors or doctors must be fewer. Lay elders had no obligation to attend unless the business was important and they seem gradually to have dropped out. The only evidence that they did attend is in the minute of Stirling Presbytery in 1581, telling of the erecting of the presbytery, when nine elders are mentioned.⁴

The 1598 Assembly ordered the presbytery to meet weekly and absentees were to incur censure.⁵ Some "Common Head" of doctrine was

¹ *Synod of Fife*, p. 52.

² *Synod of Moray*, p. 18.

³ Cf. G. D. Henderson, *Presbyterianism*, p. 106.

⁴ *Scottish Church History Society Records*, iv, p. 184.

⁵ Snow, *Patrick Forbes*, p. 20.

to be handled at the first meeting of the month. The minutes of the Presbytery of Glasgow show that the presbytery in the period 1603-1610 dealt with all manner of discipline and took counsel for the welfare of the local churches.¹ Profaning of the kirk, superstition, slander, adultery, "guising at Yule," papist practices, non-attendance at kirk even by noblemen, non-observance of the Sabbath, are all dealt with. The magistrates are asked to force payment for repair of the High Kirk and to see to the removal of a crucifix.² In 1605 Spottiswoode asks for leave of absence to go to London, and in 1607 he is summoned at the command of the synod for non-residence, negligence in duty, and not subscribing to the caveats of the General Assembly. A minister is suspended for baptising a child in private during a storm. A new kirk is ordered, with the agreement of the Earl of Wigtown, at Kirkintilloch in place of the one at Lenzie. The presbytery deals with questions of planting churches, teinds, etc. etc. The presbytery makes visitation and trial of ministers.

In this early part of the period it is interesting that, when a presbytery is small, the synod seems to have ordered important business arising to be dealt with in conjunction with or by the larger presbytery nearby.

In 1601 Ellon Presbytery convenes with Aberdeen about the case of the notorious Papist, Gordon of Gight,³ and, in 1610, about trouble at Methlick.⁴ And in 1614 it appears that George Semple of Killellan in Paisley Presbytery is to be tried for wizardry by "Certain Commissioners conjoined with the Presbytery of Glasgow." The object was probably to provide a church court at which the bishop or his nominee would preside.

After 1610 very little change took place in practice in the work of the presbytery except with regard to ordination and deposition and the other matters dealt with in the 1610 General Assembly Act. It may have been intended by James that the brethren should confine themselves to the study of doctrine except when called upon by the bishop; but in practice things went on much as before. The 1610 Act never calls it the presbytery but the "ministers of the bounds," or the "exercise of doctrine." But in the records of the period it is called synonymously, the presbytery, "the brethren of the exercise" and sometimes even the

¹ Cf. also *Paisley*, 1602-07, *Haddington*, 1603-08, *Selkirk*, 1607-10, *Jedburgh*, *Ellon* (printed), *Aberdeen* (printed).

² *Glasgow Presbytery*. See *Extracts from Registers of the Presbytery of Glasgow*, 1592-1626, *Mailland Club Miscellany*, 1833.

³ Presbytery of Aberdeen. See *Selections from Ecclesiastical Records of Aberdeen*, Spalding Club, 1846, p. 178.

⁴ *Ibid.*, p. 202.

"sub-synod."¹ The ministers, especially of the "Melvillian Bruide," as they are called in Spottiswoode's letters to the King, jealously guarded what rights the presbytery could claim and, as time went on, it gained in vigour, offering the ministers an opportunity of self-expression and local unity, even if its powers were curtailed and its actions moderated by the bishop or his nominee. It met weekly or fortnightly except for some good reason, though at times less frequently² Absentees were often noted and censured, and yet at times little was done about them. Only ministers were regular members, but it was possible for others to be associated. Readers sometimes exercised. "On 12th May, 1633, Mr. John Littlejohn desired of the brethren³ that he might be admitted upon their exercise," and he was allowed after private trial on Matthew II and "adding" on John I, 1. He later became a reader at Dysart. In 1637 Mr. John Taylor, schoolmaster at Keith, desired to enter upon the exercise of Strathbogie and was instructed to explain the Apostles' Creed. Moray Synod in 1630 made a rule that novices in the exercise should be tried on (a) the Catechism, (b) the Scriptures, (c) the Controversies and (d) then privately on a Text.⁴ Proceedings normally began with the exercise of doctrine. One minister "exercised" and another "added" or "eiked," though sometimes the addition was omitted. The exercise might be on a set theme from a scheme,⁵ or it might be on a given text, or on the Creed. There was probably general discussion and normally the exercising was "allowed." Occasionally it was not.⁶ In Kirkcaldy in 1634 we hear of the "Common-Head"—the subject of the exercise—being handled in Latin.

All the human misdemeanours were presbytery business—remitted from kirk sessions as serious, or brought to light in ministers or noblemen within the bounds. Religion was understood in terms of discipline. Cases of adultery, misbehaviour at Penny Bridals, Sabbath-breaking, murder, non-attendance at church, non-attendance at Communion, witchcraft, occur again and again. The brethren spent much time in seeking out papists and were never respectors of persons. Lanark Presbytery in 1631 summoned the Earl of Angus for papistry, even after the bishop had passed on a Royal message to cease troubling the Earl

¹ Cf. *Synod of Moray*, p. 42. This may have been a Commission of the Synod.

² *Inverness*, 1634. Cf. *Synod of Moray*, p. 7.

³ Cf. *Kirkcaldy Presbytery*. There are other cases in Kirkcaldy records. See *The Presbytery Book of Kirkcaldy*, 1630-1653. Ed. W. Stevenson, 1900.

⁴ *Synod of Moray*, p. 26.

⁵ A list of subjects is given in a list printed in *Kirkcaldy Presbytery Minutes*, pp. 2-4.

⁶ Extracts from *Presbytery Book of Strathbogie*, 1631-54. Spalding Club, 1843. p. 1.

three years before. Likewise, the Marquis of Douglas was in trouble in 1636 for not attending church. Huntly, Errol and Gight in the north, and Lady Abercorn and others in Paisley, were constantly in trouble. It is curious to find in the Strathbogie records in 1637 a note that the bishop and synod are to be informed of a "General defection to Poperie"!

Burying in church is another matter with which the presbytery had to deal severely, and there is a long process in Kirkcaldy minutes¹ about the removing of a seat in the church. The presbytery arranged for collections for the relief of those who were slaves of the Turks or in the Spanish galleys,² for re-building the burnt down Dunfermline Church, and for the repair of the harbour. The presbytery also often supported a bursar of Theology; and Kirkcaldy from 1631 supported George Gillespie, and, from 1635, Patrick Gillespie. Strathbogie in 1636 appointed a school-master to teach the children English and to read in church.

The presbytery records show easy contact between bishop and presbytery. On 3rd April 1633 a blind man appears at Kirkcaldy with a licence from the Archbishop of St. Andrews to receive help. Matters are often referred to the bishop and synod,³ and the bishop often attempted to restrain disciplinary fervour of the brethren.⁴

In 1610 it was ordained that no sentence of *excommunication* was to be made without approval of the bishop, and then, at the direction of the bishop, by the minister. But the presbytery in practice made a place for itself⁵ by judging the case and giving authority for the sentence to be pronounced with the concurrence of the bishop.⁶ Sometimes the bishop allowed the process but desired the brethren to try again with the recusant before the sentence were pronounced. Sometimes the bishop in synod allowed or ordered the process.⁷ As to *absolution* the bishop's consent was necessary from 1610. At Strathbogie, March 28th, 1633, we read of Janet Ogilvie applying to be absolved, promising to keep good order, to be an ordinary hearer and "to communicate next Pasche." She is asked to subscribe a bond to this effect before a notary public in the presence of the brethren. Then the presbytery instructs her minister to receive her to her public repentance and to absolve her on Sunday week.⁸

¹ *Presbytery of Kirkcaldy*, p.42f.

² *Ibid.*, 1633.

³ *Presbytery of Strathbogie*, 1636.

⁴ *Presbytery of Kirkcaldy*, 1633, 1635.

⁵ *Ibid.*, p. 38.

⁶ *Kirk Session, Aberdeen*, 1622, *Kirk Session, Perth*, 1620. (Spalding Club Miscellany, ii.)

⁷ *Synod of Moray*, pp. 16, 23.

⁸ Cf. also *Lanark Presbytery*, 26th Nov., 1630. *Selections from The Register of the Presbytery of Lanark*, 1623-1709.) Ed. John Robertson, Abbotsford Club, 1839.

Consent of the bishop to relaxing may not have been as necessary in practice as the bishop's consent in excommunication, because the necessity for the bishop's consent in 1610 was to deny to the ministers the incidental power of outlawing. Consent of the bishop may have been obtained in all the cases found. Sometimes the bishop in synod relaxed from excommunication.¹

Visitation of kirks had long been part of the presbytery's work and it went on in the period under review. Often the presbytery met at a church where some trouble had arisen to deal with the matter on the spot.² In 1610 it was enacted that the visitation of the diocese was to be done "by the bishop himself or a worthy man appointed by him" and, *formally*, what happened was that the moderator made his visitation by authority of the bishop accompanied by brethren of the bounds of the presbytery. The Synod of Fife, 4th October, 1615, ordained that "hereafter every Moderator assisted by so many of the brethren as shall be thought meet shall visit once in a year all Kirks within the bounds of their exercise."³

The Presbytery of Kirkcaldy minutes, 5th May 1636, report that "Dr. Andrew Lawmonth delivered a commission from My Lord Bishop of St. Andrews to Dr. John Michelson and so many of the presbytery as he pleases to assume with him for visitation of the Kirks of the Presbytery."⁴ Glasgow Presbytery minutes, 3rd July 1611, report a letter from the Bishop of Glasgow about the visitation of Cadder, slanders having been given out about the minister. "The edict of visitation is to be served at Cadder next Sabbath. Mr. James Stewart, Parson of Campsie, is to preach and make intimation and all the brethren are to keep the visitation."

The changes in procedure, etc. in 1637 and 1638 throw more light on our period. Kirkcaldy Presbytery sent a supplication to Edinburgh in October 1637. The Moderator of Lanark Presbytery refused to supplicate against the Service Book. The Bishop by missive letter had extruded Mr. Thomas Campbell, who had been "chosen by the Presbytery and allowed also for many years by the Bishop"⁵ without pretending any fault and put John Lindsay in his place. "Whereupon our meeting was very rare and unfrequent and the wonted union amongst us broken off

¹ *Synod of Moray*, p. 23. Cf. also *Lanark Presbytery*, 10th May, 1632.

² *Kirkcaldy Presbytery*, p. 75.

³ *Synod of Fife*, p. 80.

⁴ *Kirkcaldy Presbytery*, p. 92. See report of typical visitation, p. 93.

⁵ *Lanark Presbytery*, pp. 11-13.

and our Presbytery in a manner seemed to be deserted." The Presbytery chose its own Moderator *pro tem* and tried to obtain its former Moderator again.

Kirkcaldy in March 1638 elected its own Moderator again. In March both Lanark and Kirkcaldy put on pressure for the signing of the Covenant.

In July 1638 two ministers of Lanark Presbytery "being removed, the brethren considering the manner of their entry, that they did not only swear and subscribe to the Bishop for conformity, but also being enjoined by him without a precedent of the like practice, did for their trial before their admission preach and give theses for defence, the one of kneeling the other of holy days, for which cause the most part of the holy brethren had hitherto refused to give them the right hand of fellowship."

Lay elders appeared in Lanark in September and at Strathbogie in October. In September John Lindsay of Carluke was deprived by the Presbytery. In November the "barons, gentlemen, baillies of Lanark and other burgeses" appear and complain against Patrick Lindsay, Archbishop of Glasgow. The Presbytery officer is ordered to go to the Archbishop and summon him to the approaching Glasgow Assembly for trial.

Strathbogie Presbytery sent three commissioners, two ministers and an elder to the Glasgow Assembly. The ministers, however, returned home when bidden to do so by the King's Commissioner on pain of treason.

KIRK SESSIONS

The Session consisted of minister or ministers, readers (if any), elders and deacons. The elders and deacons were nominated by the minister or elected annually.¹ In some places popular election had been used.² The normal method in the period was for the Session to make up a list of persons to be nominated for the ensuing year and cause this to be read from the pulpit with an intimation that the Session would meet to hear objections and receive names of others better qualified. The election then followed. In Glasgow 1609, "The Bishop compiered and intimated the Synod had for sundry and good respects concluded and ordained that the Elders and Deacons in all Sessions shall hereafter be chosen by the Ministers."³ The Session approved. There were some changes in

¹ Cf. McCrie's *Melville*, p. 437.

² *Aberdeen*, pp. 47 and 92.

³ McCrie, *Melville*, p. 437.

the lists each year. Admission of elders was generally a solemn act: the elders "personally present and accepting and giving their oaths according to the form for faithful administration of their offices for the year to come."¹ In Stirling 1627, the elders sat in the Merchants' Loft and held up their hands before the congregation in sign and token of fidelity.² In large burghs like Aberdeen and Edinburgh there was a General Session, although there might be several charges. In Elgin the elders and deacons were nominated for specific districts of the burgh, and the provost or a bailie was to be one of the elders of the district.³ The deacons were to visit the sick and care for the poor. A minister was moderator. In Elgin we find the Bishop of Moray or the Minister of Elgin acting as Moderator, but when there was no minister the provost acted as Moderator.⁴ In Aberdeen the Bishop was not necessarily Moderator of Session.

The Session dealt with innumerable matters: arrangements for communion and baptism, burials, care of the poor, banns of marriage, etc. At this time it was becoming the custom to have more permanent seats in churches for magistrates and gentry. The Session tried to keep the floor of the church clear of seats and to organise what sittings there were.⁵ The Session was the first court of process for church discipline concerning the laity. Superstition, Sabbath breaking, absence from church, adultery, etc. etc. all provided matters to be dealt with. The presence of a magistrate or magistrates on the Session meant that warding and fining could be summarily inflicted. In Stirling 1601, a man was ordered to make public repentance and was fined £6-13-4 by the Civil Magistrate "here and present."⁶ Sometimes we read of the magistrates and Session convening together for discipline.⁷

MINISTERS.

Choice and Appointment.

The first and second Books of Discipline had condemned intrusion of a minister upon a congregation without its consent and, until 1600 anyway, consent was generally necessary.⁸ In 1592 lay patronage was continued but great care was taken by the church courts as to procedure. When Aberlady was vacant in 1602 the parishoners asked the Presbytery that a leet of qualified men might be made who would preach in the

¹ *Aberdeen*, p. 47.

² *Kirk Session of Stirling*, 1627. (*Maitland Club Miscellany* ii.)

³ *Elgin Kirk Session*, p. 136. (*New Spalding Club*.)

⁴ *Ibid.*, p. 224.

⁵ *Kirk Session of Stirling*, 1603.

⁶ *Ibid.*, 1601.

⁷ *Aberdeen*, p. 37.

⁸ McCrie, *Melville*, pp. 432, 434.

church. The Presbytery was then to choose. Mr. Andrew Blackhall Younger being put on the leet was suspected to be *Reus Ambitus* and ordained to make his purgation. He satisfied the Presbytery of Haddington, after a strict examination, that he did not know of the presentation "till it was passed seals" and as yet had not accepted the same. He was found not to be *Reus Ambitus*, but he was made to sign a statement putting the presentation into the hands of the Presbytery to use as they thought good. Even in 1631 we find this entry in Lanark Presbytery records:

"Mr. Robert Hamilton, son of Mr. James of Lesmahagow asks for testimonial for Ministry and that the Presbytery will appoint Commissioners to speak to my Lady Marquis (in absence of the Lord Marquis) that he might be preferred to Lesmahagow Kirk."

After 1610, as ordinary of the diocese, the bishop had authority over all clergy and, therefore, a final voice in appointments. But in practice the people of the individual congregations could often make their will felt.¹

It would appear that the normal procedure on a vacancy was as follows: the parishoners, through the Session, asked the Presbytery to prepare a leet of three or four. The Presbytery did so and the men named preached, if they were willing, in the church. Choice was made and report made to the Presbytery.² The Presbytery, if it agreed, wrote by the Clerk to the Patron asking that the man named be presented. The Bishop and Patron, however, had legal power to over-ride this procedure.

Presentations.

By the Act of 1610 all presentations were to be directed to the bishop of the diocese. Presentations were invariably to presbyteries until 2nd January 1610.³ On 20th January 1610 there were two presentations, one directed to the Archbishop of St. Andrews or the Presbytery of St. Andrews, and the other to the Archbishop alone. Thereafter the presentations were directed to bishops instructing them to examine the candidate and admit him if qualified.

¹ Three cases have special interest because they show bishop and presbytery working together. See *Ellon Presbytery*, 1618, with reference to the parishoners of Slains (*Extracts from Records of Presbytery of Ellon*, 1597-1725. Ed. Thomas Mair, 1894-7), *North Berwick*, 1621 (McCrie's *Melville*, p. 434), and *Linlithgow*, 1626 (*Select Biographies*, Woodrow Society i, p. 136). Cf. also *Elgin*, p. 224.

² *Kirkcaldy Presbytery*, p. xx.

³ Information from Gordon Donaldson.

Trial by Presbytery.

The Act of 1610 required the bishop to ask the "Ministers of the Bounds," i. e. Presbytery, for a certificate or qualification after trial, and then to make further trial himself.

In October 1624 the Synod of Fife made an Act "for Trial of Entry to the Holy Ministry." The expectant must bring a testimonial of blameless character and that he has passed a course of Philosophy and done further study.¹ He is to be tried in Greek and be able to interpret any chapter of the Greek New Testament in Latin or English without premeditation, and of the Hebrew Old Testament after twenty four hours' study. Then he is to be examined in religion—Calvin's *Institutes*, Beza's *Questions and Confession*, etc. Then he is to be examined on the "Controverted Heads"—Kemnifius' *Examen Concilii Tridentini* etc. Next he is to make privately a sermon on a given text in Latin and English, and to exercise publicly. Lastly, he is to be tried by the Archbishop and those of the faculty resident within the city or University of St. Andrews. Much of the above, however, may be omitted if the expectant has been at the New College, St. Andrews.²

Ordination.

Next we must look at the ordination by the bishop. Until 1610 ordination was by the presbytery and thereafter by the bishop, assisted by such of the ministry of the bounds where the ordinand was to serve as the bishop would assume to himself. The exception to the rule that all ministers were episcopally ordained during the period 1610-1638 was John Forbes of Corse, who was ordained by his uncle, the exiled minister of Alford and other Presbyters, in Holland in 1619.

From the time of the General Assembly in 1597, and probably for some time before, ordination was by laying on of hands.

After the Reformation the Form of admitting Superintendents 1561 was the basis of the ordination service.³ After 1612 the English Ordinal was probably often used by the bishop.⁴ Spottiswoode noted in 1615 that a uniform order for electing ministers and their receiving was one of the requirements of the Church of Scotland.⁵ In 1620 there appeared

¹ *Synod of Fife*, p. 101.

² Examples of trial by presbytery may be found in *Kirkcaldy Presbytery Minutes*, p. 76ff, *Glasgow Presbytery Minutes*, 14th Aug., 1611, *Kirkcaldy Presbytery*, 14th Oct., 1630. Cf. also *Synod of Moray*, p. 21.

³ Gordon Donaldson, *Scottish Historical Review*, Nov. 1954.

⁴ W. McMillan, *The Worship of the Scottish Reformed Church, 1550-1638*, p. 348.

⁵ *Original Letters*, ii, p. 445.

*The Form and Manner of Ordaining Ministers and Consecrating of Bishops and Archbishops used in the Church of Scotland, issued by Licence by H.M. Printer.*¹ Only one copy is extant and there is no reference to it in any 17th century record. But probably few copies were printed and after 1638 there would be no need of such.

After the due trials the Bishop is by edict to appoint a certain day for the Ordination, and the edict is to be published in the church where the Minister is to serve. After the sermon declaring the duty and office of Ministers, the Archdeacon is to present the expectant to the Bishop in a set Form. The testimonial and execution of the edict are to be read. Then the Bishop calls for objections (from the people assembled because of impediment or crime). The administration of the oath of the King's Supremacy follows, and then the Bishop reads a set charge and asks the questions :

1. " Do you think in your heart that you are truly called, according to the will of our Lord Jesus Christ and the order of this Church of Scotland, to the holy function of the Ministry ? "
2. As to holy scripture.
3. As to faithful diligence.
4. As to dealing with wrong doctrine.
5. As to personal religion.
6. As to personal family life.
7. As to the Christian peace in the flock.
8. As to obedience to the Ordinary.

The Bishop then says a brief prayer of commendation to God and calls on the congregation to join in prayer. Then the Bishop with Ministers present lay their hands on the expectant's head, who kneels while the Bishop says set words : " In the Name of God, we give unto thee Power and Authority . . . " etc. The Bishop then delivers the Bible into the hands of the admitted, saying set words. And the right hand of fellowship is given by the Bishop and Ministers and Commissioners of the church to which the Ordinand is to be admitted. There is a final exhortation to be read to the new Minister, after which follow the signing of Psalm 23, prayer and benediction.

Before ordination four oaths were required of the expectant, (1) the oath of Canonical Obedience, (2) the oath against Simony, (3) the oath *de Perpetuo Residendo*, (4) the oath *de Non Locando*.²

¹ Wodrow, *Miscellany*, i, p. 598.

² An oath with regard to selling or letting glebes, etc.

The form is not unlike the form in the *Book of Common Prayer*. The prayer of ordination and the Bishop's exhortation at the end are almost those in the *Book of Common Order*. The 1620 form would be deficient in Laud's eyes because there was no prior ordination of Deacon, and because words conferring priesthood were not present.¹ Probably this was used generally by the Bishops, but when William Row was ordained at Forgandenny in 1624 the Bishop of Dunkeld professed that he came not as a Bishop but as a member of the Presbytery, and he should not use a word but what was in the Psalm Book.²

The next matter is as to the place of Ordination. The Presbyterian custom had been to have ordination in the church where the probationer was to serve and this still happened in some districts. But often ordination took place in the Cathedral of the diocese.³ Calderwood tells of one case where ordination had to be repeated because Bishop Cowper had ordained someone in his own bedroom.⁴

Fasting is laid down in the *Second Book of Discipline* as necessary before ordination and may well have been observed.

In 1638 Presbyteries began to ordain again. The Presbytery of Haddington met at Prestonpans and ordained Mr. Robert Kerr to be conjunct Minister with his Father.⁵ And on 26th April 1638, a fortnight later, the Presbytery of Kirkcaldy admitted and ordained George Gillespie to Wemys.⁶ The Archbishop refused ever to admit him. (We should note that the Psalm Book order *with* imposition of hands was used.) The King was much offended and viewed the action as near to rebellion,⁷ but things were moving very fast and the initiative was no longer in the Royal hands.

Documentary Procedure in Ordination.

In the *Wodrow Miscellany*⁸ there is to be found *Ane Forme of Sindrie Materis to be usit in the Eldership* 1589-1592—a group of example documents used in the period before 1592 with regard to admission of ministers, etc. It is to be presumed that similar documents were used in the later period under review, necessarily amended as the Acts of General Assembly and Parliament had changed the circumstances.

There is a *Presentation of a Lay Patron*⁹ in favour of a minister, directed

¹ Snow, *Patrick Forbes*, p. 193.

² McMillan, *Worship of Scottish Reformed Church*, p. 347.

³ Calderwood, *Pastor and Prelate*, 28.

⁴ Calderwood, *History*, vii, p. 350.

⁵ *Diary of Wariston*, 338.

⁶ *Kirkcaldy Presbytery*, p. vii, pp. 122, 130.

⁷ McMillan, *Worship*, etc., pp. 353, 354.

⁸ I, p. 521ff.

⁹ *Ibid.*, p. 534.

to the Presbytery or Commissioner of Haddington, requiring the Presbytery or Commissioner to examine, etc. and, if suitable, admit the minister to North Berwick. From 1610 this would be directed to the Bishop.

The next document is “*A Signature*¹ of a *Presentation of a benefice*.” This is a warrant for a Crown Presentation and is in the form used with little variation from 1568 and probably throughout this period.

The next document required is of *Collation*² issued by the Commissioner after the admission.^{2a} In the example given, the Commissioner of the Eldership^{2b} of Haddington addressed the minister at North Berwick or any other minister within the Kirk of God of the bounds. Admission, Collation and Confirmation belongs to the Commissioner^{2c}. He has tried the minister of Gullane and admitted (that is, ordained) him, received Confession of his Faith and his oath of the King’s authority and of due obedience to his Ordinary, and given him vicarage, Teinds, etc. He now requires the minister of North Berwick and others, as shall be required, to go to Gullane and give lawful institution of the vicarage, etc., and put him in possession of teinds, glebe, yards, etc., by placing him in the pulpit and delivering the Bible into his hands, and requiring all parishioners to obey him as lawful Pastor. Also he humbly requires the Senators of the King’s Counsell and Session to give the Minister letters of institution. The document is signed, dated and witnessed.

Next comes the *Institution*,³ issued by the minister who went to Gullane, stating that he had done the above. Thereafter an *Instrument*⁴ is issued on the Institution, taken by the minister of Gullane before Notaries Public and witnesses, the Presentation and Collation being produced. Whether all these forms were used or not in 1610 to 1637 is uncertain, but the procedure was certainly similar.

Institution.

As we have seen, after 1610 the Bishop could Ordain and give Collation but, except in the Presbytery of which he was Moderator, he always required the members of Presbytery to give Institution.⁵ There are many instances of members of Presbytery giving Institution and sometimes the presentee is asked which member of Presbytery he desires to institute him.

¹ i.e., a warrant. Cf. Wodrow *Miscellany*, i, p. 535.

² *Ibid.*, p. 529.

^{2a} and ordination if necessary.

^{2b} i.e., Presbytery.

^{2c} In this period, to the Bishop.

³ *Ibid.*, p. 531.

⁴ *Ibid.*, p. 532.

⁵ Cf. cases at Glasgow, 21st Aug., 1611, Elgin, 31st Mar., 1633, Leslie in Kirkcaldy Presbytery, 1634.

At Kirkcaldy, 18th October 1632, " Mr. Robert Cranstowne declared that he had warrant from the Archbishop to get Institution to the Kirk of Skunie. The Brethren desired him to deal with any brother who may most conveniently go to receive him."

The importance of the matter is brought out in the case of West Linton, 13th June 1628. The Court laid down that the minister had no right to a glebe because Institution had not been given to him by a Commissioner having power from the Presbytery to give it, and " it bore not that it was done with consent of two or three honest men of the Parish " whose names ought to have been specially written down.

Admissions and *Translations* are noted in the Synod Records of Fife, and sometimes liberty of transportation is given by the Bishop and Synod e.g. at Fife 1611, 1613 and Glasgow 1611. Later, presumably, this may have been a matter for the Bishop alone. The Admission and Collation of the man being translated would be by the Bishop and the Institution by the Presbytery.

An interesting case is the appointing of William Forbes of Monymusk to be one of the ministers at Aberdeen in 1616. The General Assembly, acting on royal instructions¹ to see the planting of sufficient pastors in the principal burghs, " nominates, appoints, elects and chooses . . . Forbes . . . and to that effect transports him." The ministers of Kincardine o' Neil and Turriff are to " place and appoint " and " receive and possess " him with all forms and solemnities requisite, stipend to be paid by the Burgh.²

Suspension and Deprivation.

In the 1610 and 1612 Acts, indeposition the Bishop is to associate to himself the ministers of the bounds, take trial and depose. This in effect meant that the Bishop and Synod generally acted in deposition of ministers although formally the Bishop and some members of Presbytery would be sufficient. The Bishop himself could *suspend*.

In September 1611, the Archbishop of St. Andrews reported to the Synod that he had suspended the minister of Barrie for adultery, with advice of the Brethren present, at the visitation of Barrie. The minister had then demitted his ministry.

In 1612 the minister of Dunfermline³ was suspended by the Synod because he had not reported a crucifix on the Lord Chancellor's desk at

¹ *Aberdeen*, p. 85.

² The whole procedure in translation is given in a case recorded in *Strathbogie Presbytery Records*, 8th June, 1631.

³ *Fife Synod*, p. 43.

Dunfermline Church, and being summoned to the Synod, had not appeared. He might be released from suspension by the Archbishop and certain Commissioners of the Synod.¹

On 1st October 1623 the Synod of Moray suspended Mr. George Fraser of Boharnie for one month for marrying, without proclamation of banns, two people not in his parish. In 1624 the minister of Crail² had been suspended from the ministry, partly for being too friendly with a lady during his own wife's lifetime and partly for preparing to marry her too soon after his wife's death. The Bishop and Synod decreed that if the marriage took place at any time he would then be deprived.³

Consecration of Bishops, etc.

When the estate of Bishops was restored by Parliament⁴ in 1606, it was ordered that no Bishop might sett, tack, etc. any part of his benefice without advice and consent of his Chapter and the Act further described the Chapters. New arrangements were necessary for St. Andrews because the Priory of St. Andrews, which had supplied canons for St. Andrews Chapter, had been erected into a temporal Lordship. In 1607 Parliament passed a similar Act with more detail.⁵ In 1617 the King made new arrangements, very similar to those made in 1571-2, for electing and consecrating Bishops, and Chapters had a place in these arrangements. Act II of the 1617 Parliament gave full details of Chapter membership. Act I gave details of procedure to be followed in the election of bishops.

In 1618 Patrick Forbes was elevated to the See of Aberdeen and the procedure in the Act was followed except that, in addition, representatives of presbyteries in the diocese were present at the election.⁶ This made no difference as they merely expressed approbation of the choice and could not have altered the course of events, even if they had not approved.

The King informed Spottiswoode and the Bishops of the Province of his choice of Forbes. Then Forbes was informed by Spottiswoode of his impending appointment and the Primate received the *King's licence and recommendation* to the Dean and Chapter, empowering them to proceed to election. The Licence passed the *Privy Seal* and then reached the Dean and Chapter. The election then took place. The official certificate of election required by the Act was sent to the Primate, endorsed by him and forwarded to the King. The King issued a *Patent* to the Bishop and *Assent* (having passed the Great Seal) and *Mandate*

¹ Cf. *Glasgow*, 27th Oct., 1613.

² *Synod of Fife*, pp. 100, 101.

³ See also *Synod of Moray*, p. 32.

⁴ Calderwood, *History*, vi, p. 498.

⁵ *Ibid.*, vi, p. 671.

⁶ Snow, *Patrick Forbes*, chap. iv.

(having passed the Privy Seal) to the Primate to consecrate. *Consecration* took place at St. Andrews, the Bishops of Dunkeld and Brechin assisting the Primate. After consecration the Bishop appeared before Notaries Public in his Cathedral, presenting the Act of Consecration and the Royal Patent requiring the Archdeacon to *enthron*e him. This was done by delivering a Bible, and he was duly admitted to the temporalities of the See.

The *Form of Consecration* was from 1610 to 1620 probably the Anglican form¹ and, after 1620, according to "the Form and Manner of Consecrating an Archbishop or Bishop," printed with the Ordinal.² Three Bishops were to be present for consecrating a Bishop, and four for an Archbishop.

Prayers are said before sermon on the office and duty of a Bishop, then three times objections are called for from the congregation, and, none being offered, the Bishop-elect is presented by two other Bishops to the Archbishop or his nominee. The King's Mandate is read by the Chancellor. Then follow the oaths of Supremacy and Obedience to the Archbishop. Questions are then put as in the Anglican Order. The hymn, "Come Holy Ghost Eternal God," is now sung and the Archbishop leads the people in prayer. Then follows the Imposition of Hands by the Bishops, with words of consecration and commission. The Bible is delivered with appropriate words and the ceremony ends with Holy Communion.

For *translation* of Bishops a similar service is to take place without actual consecration, to be followed by induction in the Bishop's own new Cathedral by the Archdeacon of the Diocese.

Bishops' Courts

There is little evidence in the Church records as to the working of the Commissary Courts set up in June 1609 for *testamentary* and *matrimonial* cases. In April 1636 the Synod of Fife³ ordered that each minister keep an exact record of deaths and twice a year, or when required, exhibit it to the Commissar of St. Andrews. The Synod in agreeing to this, however, extracted the promise that "the testament of every minister and his wife shall be free of all charges and expenses for the confirmation of the same," and also that "all such persons as are declared by the minister's testimonial to be poor and non-Potentes for Confirmation shall be exempted from all process and action."

¹ McMillan, *Worship of Scottish Reformed Church*, p. 355.

² Wodrow, *Miscellany* i, p. 594.

³ *Synod of Fife*, p. 115.